

***City Council
Legal Review Committee
Meeting Agenda***

**May 11, 2017
City Hall, Spruce Room
4:00 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Short-Term Rentals
- VII. Discussion/Direction – Draft Non-Profit Policy
- VIII. Discussion/Direction – Draft Noise Ordinance
- IX. Lawsuit Settlements/Litigation Updates
- X. Discussion Items for Next Meeting
- XI. Adjourn

SUBJECT: SHORT-TERM RENTALS

DATE: MAY 11, 2017

**PRESENTED BY: HEATHER BALSER, DEPUTY CITY MANAGER
ROB ZUCCARO, PLANNING AND BUILDING DIRECTOR
DAVE HAYES, POLICE CHIEF**

SUMMARY:

Attached are the study session materials on short-term rentals from November 10, 2015 as well as the summary from that meeting. To summarize the highlights:

- There is nothing in the current Louisville Municipal Code (LMC) that addresses short-term rentals directly.
- The RM and RH zone districts allow Boarding and Lodging Houses, which provides for short-term rentals subject to specific building code requirements and other restrictions, such as requiring a minimum of three or more boarders.
- The renting of dwelling units for time periods longer than 30 days is allowed in all residential zone districts.

As of March 2, 2017, there are 300 listings for Airbnb Rentals (single bedroom the entire houses/condos) available for rent in Louisville.

The Cities of Boulder and Denver recently adopted short-term rental ordinances, and Ft. Collins is reviewing a possible ordinance. The following provides a summary of the ordinances from these jurisdictions:

Boulder

- The rental property must be the owner's principal residence; the ordinance defines principal residence as the dwelling unit in which a person resides for more than one-half of the year.
- The rental can be an accessory unit on the same parcel, but the owner may only have a short-term license for either the main unit or the accessory unit, but not both.
- The name on the license must be the same as the name on the deed for the property.
- The owner must verify that the number and location of smoke and carbon monoxide detectors meets code requirements.
- Renters must follow the city's occupancy limits.
- There is no limit on the number of rental days in a year. An accessory unit may only be rented for up to 120 days in a year (less than 30 days at a time)
- Additional information can be found at the following link – <https://bouldercolorado.gov/plan-develop/short-term-rentals>

Denver –

- Property owners and long-term renters may apply for a short-term rental licenses for their primary residence.
- The applicant must possess all applicable business taxes licenses, includes Lodger's Tax.
- The owner is required to leave a brochure for guests that includes contact information and instructions on city services.
- No guest maximums, however the development of the property must meet the intent of the zoning code and maintain the overall residential character.
- ADUs may be a short-term rental if the property owner or long-term renter resides in the primary residence.
- Advertising a non-licensed short-term rental is illegal.
- Additional information can be found at the following link:
<https://denvergov.org/content/denvergov/en/denver-business-licensing-center/business-licences/short-term-rentals.html>

Fort Collins –

- Draft ordinance includes two types of rentals – Short term non-primary rental (not a primary residence) and short term primary rental (owners must reside at least 9 months out of the year).
- A safety inspection is required.
- If someone has a license for a short-term rental that would be prohibited if the new ordinance is adopted, it may remain until the property is sold.
- One off-street parking spot must be provided for every two bedrooms rented
- There is a fee waiver for units providing certain ADA accessibility features
- Additional information can be found at the following link:
www.fcgov.com/shorttermrentals/

Since the November 10, 2015 study session, the City of Louisville has received very few complaints (with one being an inquiry regarding a neighborhood house and the other still being looked into). Similar to the previous discussion in 2015, staff is seeking feedback regarding the options to address the City's short-term rental policies and regulations. Possible options include:

- 1) Change/update the City Code to directly address the issue, what is allowed and what is not. If allowed, would require enforcement, business licensing, payment of lodging fee and sales tax, as well as collecting and auditing such taxes imposed on short-term rentals. Should short term rentals be allowed the costs would outweigh the benefits/revenues obtained based on the 2015 estimates of fiscal impact. Also, if the City changed zoning to allow short-term rentals 30 days or less this would require a TABOR vote to tax further as the City would be expanding its tax base.

SUBJECT: SHORT-TERM RENTALS

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- 2) Keep the current code language as is and enforce all illegal short term rentals less than 30 days. Will require PD to engage with renters and owners and monitor online sites for short term rentals.
- 3) Could enforce by complaint only, have received 2-3 complaints in the last 2 years.

FISCAL IMPACT:

Significant costs to enforce current regulations and/or allow short term rentals even should taxation occur.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. November 15, 2015 Study Session Packet, Agenda Item III
2. November 15, 2015 Meeting Summary
3. Boulder, Denver and Fort Collins Ordinances

City Council Study Session Agenda

**November 10, 2015
Library Conference Room
951 Spruce Street
7:00 PM**

Note: The time frames assigned to agenda items are estimates for guidance only. Agenda items may be heard earlier or later than the listed time slot.

- | | | |
|-----------------------|-------------|--|
| 7:00 p.m. | I. | Call to Order |
| 7:00 p.m. – 7:30 p.m. | II. | Discussion – Roadway Traffic, Speeding and Pedestrian Safety |
| 7:30 p.m. – 8:00 p.m. | III. | Discussion – Short-Term Rentals |
| 8:00 p.m. – 8:30 p.m. | IV. | Discussion – Draft Agenda for City Council Retreat |
| 8:30 p.m. – 8:35 p.m. | V. | City Manager's Report & Advanced Agenda |
| 8:35 p.m. – 8:40 p.m. | VI. | Identification of Future Agenda Items |
| 8:40 p.m. | VII. | Adjourn |

**SUBJECT: DISCUSSION – ROADWAY TRAFFIC, SPEEDING AND
PEDESTRIAN SAFETY ISSUES**

DATE: NOVEMBER 10, 2015

**PRESENTED BY: KURT KOWAR, PUBLIC WORKS DIRECTOR
TROY RUSS, PLANNING AND BUILDING SAFETY DIRECTOR
DAVE HAYES, POLICE CHIEF**

SUMMARY:

Council has asked staff to provide information on roadway traffic, speeding and pedestrian safety. The attached presentation summarizes that information.

City Council and staff periodically receives inquiries, requests, or complaints regarding traffic, speeding and pedestrian safety issues. The map in the attached presentation shows the primary areas of these communications have focused on over the last several years. The remainder of the presentation covers staff's process for reviewing concerns, and various tools available to address the concerns.

There are many standards and best practices that can be applied to mitigate traffic and pedestrian conflict areas. Each location tends to be an isolated case study. In many cases, evaluating the need for improvements or action (signage, stepped up monitoring, roadway improvements) based only on traffic engineering warrants or objective standards may not satisfy the community desires. In such cases, Council must weigh competing perspectives and interests and determine how much funding they want to commit.

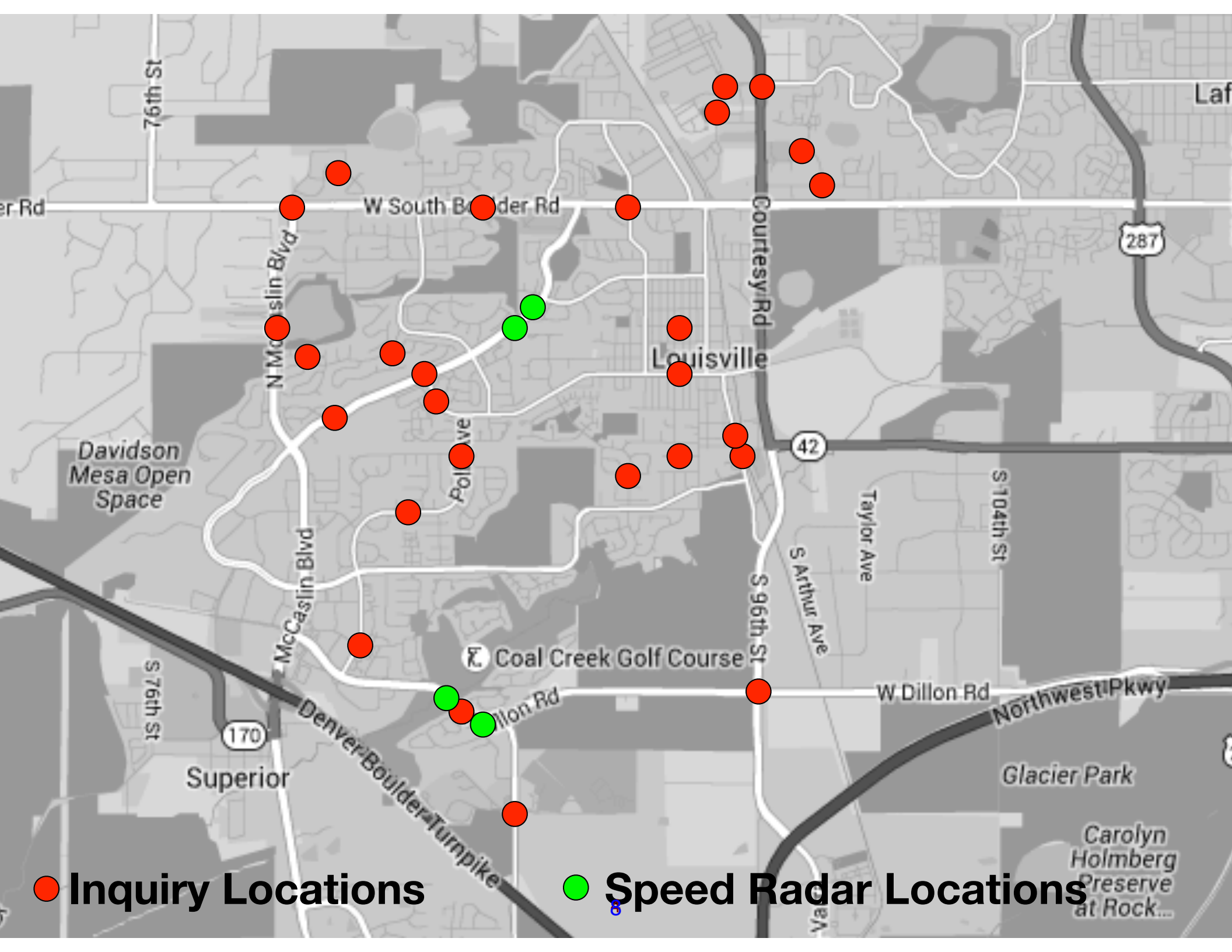
ATTACHMENT(S):

1. Presentation

General Traffic and Pedestrian Safety Discussion

Presented by Public Works, Police, and Planning, November 10th, 2015





Traffic/Roadway Inquiry Common Complaints

- Speeding
- Crosswalk Safety
- School Zone Safety
- Traffic Signals (Timing, Accidents)

Considerations during Staff Review

- Site Visit
- Total Number of Complaints
- Area of Concern Context (School Zone, Trail, Intersection)
- Volume of Traffic, Pedestrians, Bikers
- Accident Data, Police Report
- Traffic Count/Speed Study

Various Management Tools

- Crosswalks
 - Markings, Signs, Flashing Lights, Raised, Signal
- Traffic Signals
 - Timing, Turn Arrow vs. Free Turn
- Bump Outs, Pedestrian Refuges, Speed Humps/Cushions, Traffic Circles, Traffic Roundabout
- Active Feedback Speed Radar
- Speed Trailer
- Enforcement (621 Radar Summoneses, 1,022 Radar Warnings)

SUBJECT: SHORT-TERM RENTALS

DATE: NOVEMBER 10, 2015

**PRESENTED BY: TROY RUSS, PLANNING DIVISION
PENNEY BOLTE, FINANCE DEPARTMENT
DAVE HAYS, POLICE DEPARTMENT**

SUMMARY:

Online companies like VRBO (Vacation Rental by Owner) and AirBnB, along with others, have increased the likeliness of short-term rentals occurring in Louisville. Staff has documented an increase in calls from concerned residents regarding these web-sites and how short-term rentals are interpreted in the Louisville Municipal Code (LMC). Specific concerns raised have been related to neighborhood compatibility, equal competition, lodging tax revenues, supplemental household income, and building safety.

Short-term rentals are common in vacation communities like Breckenridge and Aspen as well as larger urban communities like Boulder and Denver. However, short-term rentals, in more suburban communities like Louisville, historically, have been far less common. A recent look at the AirBnB website by the Louisville Police Department showed 18 addresses advertising short-term rentals in Louisville while a similar investigation in Boulder found 1,800 listings.

Louisville's current code was drafted long before such rentals became popular. There is nothing in the code that addresses such rentals directly. This study session is intended to discuss the City's current regulations and enforcement policies related to short-term rentals and explore options, if appropriate, in addressing emerging online short-term rental businesses in Louisville.

BACKGROUND

Louisville Municipal Code - Zoning

Despite dated language, the Louisville Municipal Code (LMC) does provide rules for short-term rentals. Staff interprets the LMC to allow short-term rentals in the Residential Medium Density (RM) and Residential High Density (RH) Zone Districts.

Staff interprets short-term rentals as Use Group #6 - Boarding and Lodging Houses, in Section 17.12.030 (use table) of the LMC. Use Group 6 is an allowed use by right in the RM and RH Zone Districts. Section 17.08.030 defines a boardinghouse to mean *"a building other than a hotel, cafe or restaurant where, for direct or indirect compensation, lodging and/or meals are provided for three or more boarders and/or roomers exclusive of the occupant's family"*.

The renting of dwelling units for time periods longer than 30-days is allowed in all residential zone districts. However, short-term rentals (less than 30-days) are not

allowed in any residential zone district, unless they are a boardinghouse / lodging house. The LMC's definition of "dwelling unit" restricts the rental of units for periods less than 30-days.

Sec. 17.08.130. - *Dwelling unit. Dwelling unit means one room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or **for rental or lease on a monthly or longer basis**, physically separated from any other rooms or dwelling units which may be in the same structure, and served by not more than one gas meter and one electric meter.*

If a complaint arises about a particular rental unit, Code Enforcement requests the owner provide evidence they are renting the property for period 30-days, or longer (per Sec.17.04.130). If owner cannot produce such evidence during an investigation, the staff would be inclined to define the activity as a boarding house and therefore not allowed to occur in any residential zone district except the RM and RH Zone Districts.

Louisville Municipal Code - Taxation

The city imposes a lodging tax on rentals of thirty days or less in Chapter 3.22. The intent of the code is for *"every person who, for consideration, leases or rents any hotel room, apartment hotel room, motel room, lodging house room, motor hotel room, guesthouse room, guest ranch room, extended stay lodging room or similar accommodation (collectively "lodging") located in the city shall pay, and every person who furnishes for lease or rental any such lodging shall collect, the tax imposed by this chapter."*

According to the LMC, these short-term rentals should apply for a Business License with the City's Finance Department and be subject to the City's 3% lodging tax and 3.5% sales tax. Currently, single family housing units are not eligible for short-term rental of less than 30-days.

CONSIDERATIONS

The City of Boulder staff produced a series of pros and cons for their February 10th City Council Study Session. Staff believes the items presented in that communication are relevant in Louisville and discussion related to possible modifications to the City's short-term rental policies and regulations.

Cons

- 1. Impact on Residential Neighborhoods.** One major concern is the impact of short-term rentals on the character and stability of the neighborhoods in which the short-term rentals exist. Frequent turnover, additional traffic and cars can undermine the quality of life in a residential neighborhood.
- 2. Unfair competition to the Hotel/Motel Industry.** The Hotel and Motel Industry is subject to significant regulation both at the city and the state level. Hotel

owners pay a lodging and sales tax on every room rental. Single family short-term rentals do not pay taxes and do not comply with health and safety regulations. This creates an unfair playing field with motels and hotels that are complying with the law.

3. **Public Safety.** The growing number and diversity of short-term rentals makes it very difficult to assure compliance with minimum standards of health and safety and policing if a crime would occur.
4. **Impact on Availability of Housing.** Housing that shifts to permanent short term rental is taken out of the pool of units available for residential use. In some communities, it is common for investors to purchase a home for the purpose of short term rental. Each house dedicated to short term rental is one less house available for residential use. Such a trend could negatively affect the City's already challenging housing market.

Pros

1. **Generating Income for Residents.** Short-term renting a residential property appears to be a way for Louisville residents to earn a little extra income. Living in Louisville can be very expensive.
2. **Economic Activity.** **According to the Boulder Communication,** Airbnb has done studies of its economic impact on the following eight cities: San Francisco, New York, Paris, Amsterdam, London & Edinburgh, Sydney and Barcelona. The following is a summary of the San Francisco results (click here for the full report <http://blog.airbnb.com/airbnb-economic-impact/>):
 - The average San Francisco hotel guest visits for 3.5 days and spends \$840. The average San Francisco Airbnb guest visits for 5.5 days and spends \$1,045.
 - 56 percent of Airbnb hosts in San Francisco said they use their Airbnb income to help pay their mortgage or rent.
 - 72 percent of Airbnb properties in San Francisco are located outside the central hotel district.
 - 42 percent of hosts in San Francisco use their Airbnb income to pay for regular living expenses.

There has been no study of economic impacts on Boulder, Louisville or any similarly situated community.

RESEARCH

The following is a summary of the provisions of some municipal ordinances addressing residential vacation rentals. The City of Boulder's February 10th City Council Study Session was the source of this research.

Towns and Cities in Colorado

1. **Aspen.** In 2011, the Aspen City Council adopted an ordinance allowing for residential vacation rentals in Lodging Zone Districts, Commercial Zone Districts, Mixed Use Zone Districts, and Residential Zone Districts. The ordinance also limits rentals to no more than 30 days. It requires that the host obtain a vacation rental permit and a city tax ID and collect tax. If there is a homeowner's association, the host must notify the HOA of the application for a vacation rental permit. The ordinance prohibits a host from renting individual rooms and requires that the host have a local representative to respond to renter issues.
2. **Vail.** Vail has not adopted any specific regulations for vacation rentals. Vail does not require a business license for persons who rent no more than two units. Vail does require that owners pay sales and lodging taxes.
3. **Breckenridge.** Hosts must obtain an Accommodations Unit license and pay an annual fee. Hosts must also collect sales and lodging tax.
4. **Frisco.** Requires hosts to obtain a town business license and pay sales and lodging taxes.
5. **Colorado Springs.** Short-term rentals are allowed in any zone where single family or multi-family residential uses are allowed. Hosts must collect sales and lodging tax. No signage identifying the property as a short-term rental is permitted.

FISCAL IMPACT:

Staff conducted an analysis of potential tax revenues from short-term rentals in Louisville based on revenue assumptions generated by the City of Boulder. The analysis showed, based on City of Boulder's visitation rates, that allowing and taxing short-term rentals in Louisville could potentially generate between \$20,000 and \$60,000 in new revenue. However, since visitation rates in Louisville would likely be much lower than in the City of Boulder, staff believes it is very unlikely allowing and taxing short-term rentals would reach even the lower level of that potential range. Furthermore, staff believes the likely potential revenue would not fully cover additional costs associated with the costs of issuing business licenses, collecting and auditing taxes imposed on short-term rentals, and code enforcement related to short-term rentals if the City adopts and strictly enforces regulations governing short-term rentals. Finally, if the Council wants to change the City's zoning to allow the short-term rentals in residential zone districts, the effect would be to expand the City's tax base on which sales tax and lodging tax is applied. This would require a TABOR election, like Boulder conducted on November 2, 2015.

RECOMMENDATION:

Staff is seeking a discussion with City Council and the Community regarding the City's short-term rental policies and regulations with the following conversation topics:

- Should potential short-term rental regulations be updated for clarification?
- Should potential short-term rental regulations be modified to expand, or restrict the activity in Louisville in terms of:
 - Location?

SUBJECT: RECREATION CENTER EXPANSION AND AQUATIC CENTER OPTIONS

DATE: NOVEMBER 10, 2015

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- Principal use with resident present?
- Limited number of Days?
- Insurance requirements?
- Should potential short-term rental regulations mitigate potential neighborhood character, or stability impacts?
 - Noise / Nuisances?
 - Parking?
- Given the limited revenue forecasts, should potential short-term rental regulations require business licenses and be subject to the City's lodging and sales tax?
- Is there more information City Council would find useful?

ATTACHMENTS:

- None

SUBJECT: DRAFT AGENDA FOR JANUARY 26, 2016 CITY COUNCIL
RETREAT

DATE: NOVEMBER 10, 2015

PRESENTED BY: MALCOLM FLEMING, CITY MANAGER

SUMMARY: Please see attached the draft agenda for the scheduled January 26, 2016 City Council Retreat. Staff seeks robust discussion and feedback on the draft agenda to ensure an effective and efficient City Council Retreat.

RECOMMENDATION:

- Discussion

ATTACHMENTS:

- January 26, 2016 Draft City Council Retreat Agenda
- 2016 Programs, Subprograms and Contributing Projects

***City Council
Special Meeting
City Council Retreat
Agenda***

Tuesday, January 26, 2016

**Louisville Public Library
951 Spruce Street
Meeting Room, 1st Floor
4:00 PM to 8:30 PM**

4:00 to 4:05 PM CALL TO ORDER AND APPROVAL OF AGENDA

4:05 to 5:00 PM HABITS OF HIGHLY EFFECTIVE COUNCILS
Discussion of [10 Habits](#) (Focus on Those Below)

- Think and Act Strategically
- Demonstrate Teamwork
- Honor Council-Staff Partnership
- Allocate Council Time & Energy Effectively
- Assess Policy & Performance
- Practice Continuous Development

What actions should Council focus on to ensure effectiveness?

5:00 to 5:15 PM DINNER SERVED

5:15 to 7:15 PM 2016 PRIORITIES
Discussion/Q & A

- 2016 Programs, Subprograms and Contributing Projects
- Street Maintenance and Repair

- McCaslin Urban Renewal Area Plan
- SoBoRd & McCaslin Small Area Plans
- Recreation Center Expansion
- Golf Course Financial/Operational Results
- Biennial & Program Budget
- Police Department Strategic Plan
- Economic Development Review
- Employee Compensation & Benefits
- Parks & Public Landscaping Expectations
- Boards and Commissions Interaction
- Development Review & Cost recovery
- Other?

7:15 to 7:30 PM

BREAK

7:30 to 8:25 PM

2016 PRIORITIES

Identify top X (12? 10? 6?) priorities and amount of time Council will devote to each priority

8:25 to 8:30 PM

REVIEW DECISIONS, DIRECTION & ACTION

Recap and confirm actions to promote effectiveness and agreed on priorities

8::30 PM

ADJOURN

Programs, Goals, Sub-Programs & Contributing Projects

City of Louisville Programs, Goals, Sub-Programs and Contributing Projects			
Programs	Goals	Sub-Programs	2016 Potential Contributing Projects
Transportation	A safe, well-maintained, effective and efficient multi-modal transportation system at a reasonable cost.	Planning and Engineering	<ol style="list-style-type: none"> 1. Complete South Street Gateway Underpass (dependent on RR) 2. Complete Hwy 42 Plan Short Street improvements 3. Complete DDI 4. Complete County Road Bridge
		Transportation Infrastructure Maintenance	<ol style="list-style-type: none"> 1. N. McCaslin resurfaced 2. 2016 downtown booster complete 3. Lucy Asset Management Software, ERP and Cartegraph permit modules fully operational
		Streetscapes	Complete Phase II downtown brickwork resetting
		Snow & Ice Removal	Improved snow removal with computer controls, storage and ice slicer

Programs	Goals	Sub-Programs	2016 Potential Contributing Projects
Utilities	Ensure safe, reliable, great tasting water; properly treated wastewater; effective stormwater control; successfully managed solid waste; and competitive prices for all services.	Water	1. Finish major renovations (Pump Station, Chlorine Contact Tank) to SCWTP 2. Evalaute Water Financial Plan
		Wastewater	Substanti completion of WWTP
		Stormwater	Complete Citywide Drainage Asset Management Plan
		Solid Waste, Recycling and Composting	Implement Admin Fee adjustment to provide sufficient working reserve funds.
Public Safety & Justice	Police and other City staff working with the community to help ensure safety; satisfy residents' expectations that individuals observe the City's Municipal Code and State Law; and the justice system is fair, effective and efficient.	Patrol and Investigation	1. Evaluate shared services options for law enforcement and communications 2. Body Cams for Police Officers 3. Complete evaluation of service level standards and their effectiveness in determining whether we have a good agreement with the County
		Code Enforcement	ID properties with chronic violations and implement proactive enforcement to maintain compliance
		Municipal Court	Specific actions to increase collaboration between staff in PD and Court

Programs	Goals	Sub-Programs	2016 Potential Contributing Projects
Parks	Provide well-maintained parks and landscaped areas that are easy to walk to and enjoyable to visit or see; sports facilities that are fully used and properly maintained; and a suitable final resting place that meets community needs.	Parks	1. Implement Wayfinding 2. Implement ADA playground replacements
		Forestry	Ongoing replacement of ash trees and those damaged due to severe weather change in November of 2014
		Horticulture	Consideration of landscaping standards and replacement of dated and damaged landscaping
		Cemetery	
Open Space & Trails	Acquire candidate properties as they become available and preserve, enhance and maintain native plants, wildlife, wildlife and plant habitat, cultural resources, agriculture and scenic vistas and appropriate passive recreation.	Acquisition	Pursue preferred acquisitions as become available
		Maintenance and Management	Eradicate List A Noxious Weeds
		Education and Outreach	Train with PD on Comprehensive Coyote Mgt Plan
		Trail Maintenance	Maintenance and repair to existing trails due to usage and weather
		New Trails	Implement Wayfinding

Programs	Goals	Sub-Programs	2016 Potential Contributing Projects
Recreation	Promote the physical, mental and social well-being of residents and visitors through a broad range of high-quality, reasonably priced recreation and leisure activities for people all ages, interests and ability levels.	Youth Activities	Submit proposed tax measure to voters for Recreation/Senior Center expansion and/or new aquatics center
		Adult Activities	
		Senior Activities and Services	
		Aquatics	
		Golf Course	1. Revenue positive 2. Restroom on back 9 in CIP
Cultural Services	Provide services, facilities and activities that inform, involve, engage and inspire the community and preserve the community heritage.	Library Services	1. Increase collaborations with schools 2. Migrate to the new platform for the library's Integrated Library System 3. Implement newly expanded Flatirons Library Consortium 501 c(3)
		Museum Services	1. Augment online access to historic Louisville photos and documents 2. Complete Historic Structure Assessments on Tomeo House and the Jacoe Store
		Cultural Arts & Special Events	1. Further refine Special Events process pending 2015 season observations 2. Finalize and adopt Cultural Arts Master Plan

Programs	Goals	Sub-Programs	2016 Potential Contributing Projects
Community Design	Sustain an inclusive, family-friendly community with a small-town atmosphere; effective and efficient building services; and effective preservation of the City's historic structures through a voluntary system.	Community Design	1. Small area plan implementation (public infrastructure, rezoning, and design guidelines) 2. Initiate and implement 1st neighborhood plan 3. Update CMRS administrative policy for public buildings
		Development Review	
		Historic Preservation	Implement specific historic preservation surveys identified in Historic Preservation Master Plan
Economic Prosperity	Promote a thriving business climate that provides job opportunities, facilitates investment and produces reliable revenue to support city services.	Business Retention and Development	1. Downtown improvements to help facilitate connections in and around downtown 2. Coordinate with CTC on design for additional connection 3. Sam's Club redevelopment
		Urban Renewal	Pursue infrastructure improvements in the URA to address blight/facilitate additional investment

Programs	Goals	Sub-Programs	2016 Potential Contributing Projects
Administration & Support Services	Ensure inclusive, responsive, transparent, friendly, fiscally responsible, effective and efficient governance, administration and support.	Governance & Administration	1. Assess Facilities/Maintenance Level of Service 2. Pursue shared services opportunities/capital
		Public Information & Involvement	Citizen Survey
		City Clerk/Public Records	Possible 2016 Coordinated Election on TABOR question/expanded recreation facilities
		Legal Support	Manage legal expenses within various disciplines/departments
		Human Resources & Organizational Development	1. Train supervisors on ERP system 2. Adopt organizational succession plans for each Department
		Finance, Accounting & Tax Administration	1. In 2016 plan 2 year budget overview for 2017/18 with annual approval
		Information Technology	1. Complete ERP Implementation 2. Business continuity and disaster recovery
		Sustainability	1. Implement Community Garden in coordination with LSAB 2. City Council consideration of LSAB Sustainability Plan
		Facilities Maintenance	Review utility energy management
		Fleet Maintenance	Initiate development of fleet metrics

City Council

Study Session Summary

November 10, 2015
Library Meeting Room, 951 Spruce Street
7:00 PM

The City Council met in a study session at 7:00 p.m. in the 1st Floor Meeting Room at the Louisville Public Library at 951 Spruce Street, Louisville, Colorado. The following persons were present:

City Council Present: Mayor Bob Muckle
Council member Jay Keany
Council member Chris Leh
Council member Jeff Lipton
Council member Susan Loo
Council member Ashley Stolzmann

Staff Present: Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Dave Hayes, Police Chief
Kurt Kowar, Public Works Director
Troy Russ, Interim Planning and Building Safety
Director
Kevin Watson, Finance Director
Dawn Burgess, Executive Assistant to the City
Manager

Members of Public

Call to Order – The meeting was called to order at 7:00 PM by Mayor Muckle

Discussion – Roadway Traffic, Speeding and Pedestrian Safety

Public Works Director Kurt Kowar said the conversation starts with an overview of how Public Works, Planning and the Police Department approach things. Kowar reviewed the presentation in the packet. There are challenges balancing public requests for crosswalks and traffic flow. Staff listens to each complaint and evaluates data, number of complaints, areas of concern and context to determine a response.

Tools include:

- Crosswalks
- Traffic signals
- Speed bumps
- Speed radar
- Speed trailer
- Enforcement (summonses, warnings)

Council member Keany asked about rumble strips which will not interrupt snowplowing but will cause other unintended consequences such as increased noise.

Planning and Building Safety Director Russ said roadway geometrics and the surrounding environment must match.

Council member Keany also asked about various signage.

Council member Lipton likes markings on the pavement. He is concerned that McCaslin is becoming a thoroughfare and speed is increasing. Lipton would like staff proposals to address the issue. Council member Loo would like to know if ticketing works to slow McCaslin drivers down. Chief Hayes said it is a temporary fix, and only works for a couple of weeks. Flashing lights were discussed. Whatever the City decides to implement must be widely communicated. Council member Keany said the lights on the flashing signs need to be maintained.

There was a discussion of the Washington/McCaslin intersection.

Council member Loo would like to see the cost of increased enforcement.

Michael Menaker suggested that the issues are mostly at rush hour.

Accidents and intersections were discussed.

Mayor Muckle would like some standard of how the City will handle traffic. There is general agreement that speed on McCaslin is increasing. He would like rational solutions both long and short term. Kowar said painting crosswalks is minimal. Signs are \$30,000, bump outs \$5000 per side.

Council member Loo said most of the problems are coming from neighbors. The City needs to do a public education effort.

Chief Hayes will look at summons – wording shows why we do what we do. Maybe warnings should look more like tickets. Warnings build relationships as the person recognizes they are not getting a ticket.

A Steel Ranch citizen spoke about speeds in her neighborhood. She feels the stops signs and speed bumps in Indian Peaks make the neighborhood safer.

Citizen who lives on Main Street has noticed an increase in the speed of cars around LMS.

Director Kowar said money for these items is not in the budget and he does not want to over promise.

Discussion – Short-Term Rentals

Interim Planning and Building Safety Director Troy Russ said this presentation is intended to explore whether or not Louisville is prepared to deal with short term rentals. Code does not deal with this directly so it is left to staff to interpret. Code allows it to occur within Residential Medium Density and Residential High Density zone districts. Russ discussed the code. Potential revenues from tax collection would not cover administration of business licensing and tax collection.

Mayor said he feels this is a minor issue but it affects neighborhoods. Do we want to put effort into updating the code? Mayor does not support this use. Council member Keany asked if the City could say “generally speaking, short term rentals are not allowed.”? Deputy City Manager Heather Balser said the City has received some complaints. The information is not clear. We know it is going on but have not received a lot of complaints. Property owners can lease their house for more than 30 days.

Council member Chris Leh asked if this a solution in search of a problem?

They are all over the City. Some HOAs prohibit them.

Michael Menaker thinks we should pass an ordinance proactively. Council member Ashley Stolzmann said she read the staff report and was pleased to see most everything is in place.

There was discussion of trading vs renting. There are significant arguments about area affordability.

Complaints are: strangers in the neighborhood, parking, noise.

It is good to have the foundation of research but Council feedback suggests there is not a need to act right now.

Director Russ feels the City has the tools in place if the issue becomes a problem. The City has mechanisms to deal with complaints.

Discussion – Draft Agenda for City Council Retreat

City Manager Malcolm Fleming said Council typically has a retreat each January. The draft agenda is in the packet. He would like feedback. The entire retreat would be facilitated. Council member Jeff Lipton is in support of a facilitator.

Council member Lipton would like to stay focused on big picture goals. Mayor Muckle would like to discuss subprograms.

There was discussion of the proposed agenda. Council member Leh would like a discussion of how the budget process/scheduling issue works.

Council member Sue Loo would like a conversation about what the priorities will be so as not to frustrate boards and commissions. Council member Stolzmann said Council members need to have the same expectations about the outcomes of the meeting.

Council member Lipton would like to set up a planning and budget process and put together a calendar of events.

Mayor Muckle said the goal is to have a plan of steps to get the budget done.

City Manager Fleming asked if Council wants to set priorities and say other items will not distract from those. The Mayor agreed.

There was a discussion of the Request for Proposal for the citizen survey process.

Mayor Muckle asked Council to send ideas of possible list of agenda items to City Manager Fleming so the agenda can be further developed.

City Manager's Report

City Manager Fleming reviewed the Advanced Agenda.

Council member Lipton reiterated he would like to do all Board and Commission updates in a couple meetings. Mayor agrees that current way is not very efficient. Council needs more time for other items.

Identification of Future Agenda Items

Council member Lipton asked for an update on South Boulder Road and McCaslin Small Area Plan. Director Russ said South Boulder Road is going to Planning Commission.

Council member Stolzmann would like a “field trip” re: paving. City Manager Fleming said there is a map of priorities in the 2016 budget.

Council member Loo said the Legal Committee is working on examining 501c3 entities and their relationship with the City.

Comments – Mayor would like to get together with individual Council members on Council appointments.

Adjourn 9:15pm

*Submitted by – Dawn Burgess
November 11, 2015*

Boulder

10-3-19. - Short-Term Rentals.

- (a) Short-term rentals are prohibited unless the city manager has issued a valid short-term rental license for the property.
- (b) The city manager shall only issue a rental license for short-term rental to:
 - (1) A natural person, whose name appears on the deed to the property;
 - (2) A trust, if the beneficiary of the trust is a natural person;
 - (3) A not-for-profit corporation licensed pursuant to Section 501(c) of the Internal Revenue Code, provided, however, the city manager shall have discretion to reject any application for a not-for-profit corporation if the city manager deems the application to be inconsistent with the goals of this chapter, which include allowing not-for-profits the opportunity support their mission through short term rentals, preserving long term rental units and preventing investor owned short term rentals;
- (c) Any application for a rental license for short-term rental shall include the following:
 - (1) If the applicant is a natural person, the application must include a sworn statement that the dwelling unit to be licensed is the applicant's principal residence;
 - (2) If the applicant is a trust, a sworn statement that the dwelling unit is a beneficiary's principal residence;
 - (3) If the applicant is a not-for-profit corporation, the application shall include proof of the corporation's status under Section 501(c) of the Internal Revenue Code and a statement of the manner in which short-term rentals serve the organization's charitable purpose;
 - (4) A certification that the dwelling unit is equipped with operational smoke detectors, carbon monoxide detectors and other life safety equipment as may be required by the city manager; and
 - (5) The names and telephone numbers of two contacts who for owner-operated rentals can be permanent residents on the property and who are capable of responding to the property within sixty minutes.
- (d) If the dwelling unit is an accessory unit, only the accessory unit and not any other dwelling unit on the same property may be a licensed or used as a rental;
- (e) If a dwelling unit is licensed for short-term rental, then no accessory unit on the same property may be licensed or used as a rental;
- (f) If the applicant is a natural person, the applicant's name must appear on the deed to the property on which the dwelling unit to be rented is located;
- (g) The city manager shall not issue a license for short-term rental of a permanently affordable dwelling unit.
- (h) Short-term rentals shall not be subject to the inspection requirements of Section 10-3-3(a)(1)(A), "Licenses," B.R.C. 1981 except:
 - (1) Accessory Units, permitted under Section 9-6-3(a), "Accessory Units," B.R.C. 1981 if such Accessory unit is in an Accessory Structure, as that term is defined in Section 9-16-1, "General Definitions," B.R.C. 1981.
- (i) An accessory unit may not be rented as a short-term rental for more than one hundred twenty days in any calendar year.
- (j) The occupancy of a dwelling unit rented as a short-term rental shall not exceed the occupancy permitted pursuant to Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981; provided,

however, for the purposes of this section only, the licensee and people related to the licensee shall be counted as one person. The occupancy of any accessory unit shall be limited to a family or two unrelated persons;

- (k) Notwithstanding the provisions of Section 10-2-2, "Adoption of the International Property Maintenance Code with Modifications," B.R.C. 1981, Appendix C, effective January 2, 2019, the energy efficiency requirements set forth in Section 10-2-2, Appendix C section shall apply to Accessory Units, permitted under Section 9-6-3(a), "Accessory Units," B.R.C. 1981 if such Accessory unit is in an Accessory Structure, as that term is defined in Section 9-16-1, "General Definitions," B.R.C. 1981.
- (l) No person shall rent a dwelling unit in a manner that requires or encourages a person to sleep in an area that is not habitable as that term is used in the International Property Maintenance Code as adopted in Section 10-2-2, "Adoption of the International Property Maintenance Code with Modifications," B.R.C. 1981.
- (m) No person shall advertise a short-term rental, unless the advertisement includes the license number and the maximum unrelated occupancy permitted in the unit.
- (n) The city manager shall not issue more than one short term rental license to any applicant.

Ordinance Nos. [8050 \(2015\)](#); [8104 \(2016\)](#); [8154](#) (2016)

Denver

ARTICLE III. - SHORT-TERM RENTALS

Sec. 33-46. - Definitions.

- (1) *Department* means the Denver Department of Excise and Licenses.
- (2) *Director* means the director of the Denver Department of Excise and Licenses.
- (3) *Licensed premises* means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is permitted to provide short-term rental in accordance with the provisions of this article.
- (4) *Primary residence* means a residence which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can only have one primary residence.
- (5) *Short-term rental* means a primary residence used for lodging accommodations to transients for a period of less than thirty (30) consecutive days.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-47. - Licensing requirement.

After December 31, 2016, it shall be unlawful to operate any short-term rental in the City and County of Denver without a license duly issued therefor by the director under this article III and in compliance with any and all applicable city laws.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-48. - Application.

- (a) Before any license under this article is issued, an application shall be submitted to the director pursuant to chapter 32. All applications shall be made upon forms provided by the director.
- (b) The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado.
- (c) The director may, at the director's discretion, require additional documentation associated with the application as may be necessary to enforce the requirements of this article or chapter 32.
- (d) The applicant must be a legal resident of the United States of America.
- (e) The applicant shall possess a valid city lodger's tax account number pursuant to chapter 53.
- (f) The property where the licensed premises are located must be the applicant's primary residence.
- (g) The applicant must provide proof of possession of the licensed premises, either by warranty deed or valid lease. If the applicant does not own the property where the licensed premises are located, the applicant must provide written documentation from the property owner allowing short-term rentals on the licensed premises.
- (h) Any application submitted pursuant to this article III must be completed within one (1) year of the date the application is filed and the application fee is paid. Any application that remains pending after the expiration of one-year time period, shall be administratively closed and the director shall deny the

issuance of a license denied. Once an application expires, the applicant must begin the licensing process anew.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-49. - Unlawful acts.

- (a) *Safety requirements.* Each short-term rental shall have a smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises during each short-term rental occupancy. It shall be unlawful to operate a short-term rental without a smoke detector, carbon monoxide detector or fire extinguisher.
- (b) *Primary residence.* It shall be unlawful to operate a short-term rental in any location that is not the applicant's primary residence.
- (c) *Compliance with city and state laws.* It shall be unlawful to operate a short-term rental that does not comply with all applicable city and state laws.
- (d) *Advertising.* It shall be unlawful to advertise an short-term rental without the license number clearly displayed on the face of the advertisement. For the purpose of this section, the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to a short-term rental in order to promote the availability of the short-term rental.
- (e) *[Insurance.]* It shall be unlawful to operate a short-term rental without, fire, hazard and liability insurance within the liability coverage limits set by the director.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-50. - Brochures.

Each short-term rental shall provide a brochure on the licensed premises that includes the licensee's contract information, a local responsible party's contract information, and any necessary emergency contract information. For the purposes of this section, "local responsible party" means an individual located in the City and County of Denver during the entire length of the short-term rental period who has access to the licensed premises and is authorized to make decisions regarding the licensed premises. The brochure shall also provide information pertinent to the neighborhood where the short-term rental is located including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the director, applicable to the short-term rental and the surrounding neighborhood.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-51. - Licenses non-transferrable.

This license is non-transferrable. The department shall not accept any request to transfer ownership or location of any license or license application. Any attempt to transfer location or ownership of a license shall render the license subject to suspension or revocation pursuant to chapter 32.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-52. - Term license, renewal.

- (a) All license issued under this chapter shall be valid for a period of one (1) year from the date of their issuance.

- (b) If the licensee has received notice of violation of any law or regulation, including disciplinary action against the license, the application for renewal shall include a copy of the notice or disciplinary action.
- (c) Upon receipt of an application for renewal of the license, the director may set a hearing in accordance with the requirements in chapter 32 if there is reasonable cause to believe that:
 - (1) The licensee has violated any ordinance of the city, state or federal law on the licensed premises or has permitted such a violation on the premises by any other person; or
 - (2) There are grounds for suspension, revocation, or other licensing sanction as provided in chapter 32.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-53. - Issuance or denial.

No license authorized under this chapter shall issue or renew unless the license is in compliance with chapter 32 of this Code.

(Ord. No. 262-16, § 1, 6-13-16)

Sec. 33-54. - Disciplinary actions; sanctions; penalties.

Procedures for investigation of license violations and for suspension, revocation or other licensing sanctions as a result of any such violation shall be as provided in chapter 32 of this Code and any rules and regulations promulgated by the director.

(Ord. No. 262-16, § 1, 6-13-16)

Secs. 33-55—33-57. - Reserved.

**ORDINANCE NO. , 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS**

WHEREAS,

WHEREAS,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 15 of the Code of the City of Fort Collins is hereby amended by the addition of a new Article XVIII which reads in its entirety as follows:

**ARTICLE XVIII.
SHORT TERM RENTAL LICENSING**

Sec. 15-628. - Purpose.

The local licensing system implemented pursuant to this Article ensures the health and safety of renters of short term rentals, mitigates the impacts of short term rentals on the neighborhoods in which they are located, and maintains and enhances neighborhood livability. The system of licensing promotes a fair operating environment for all persons in the business of providing lodging or transient accommodation. The system of licensing also allows for ongoing data collection to further evaluate the impact of short term rentals on the neighborhoods in which they are located and on affordable housing.

Sec. 15-629. - Definitions.

The following definitions shall apply to this Article:

Director shall mean the Director of Community Development and Neighborhood Services.

Dwelling unit shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building as such terms are defined in the Land Use Code.

Financial Officer shall mean the Financial Officer of the City of Fort Collins referenced in Article V, Part III, § 21, of the City of Fort Collins Charter.

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Licensed premises shall mean a dwelling unit, or portion thereof, that has a valid license issued pursuant to this Article allowing short term primary or non-primary rental of such dwelling unit.

Party shall mean one or more persons who as a single group rent a short term primary or non-primary rental pursuant to a single reservation and payment.

Primary residence shall mean the dwelling unit in which a person resides for nine or more months of the calendar year. Under this definition, a person has only one primary residence at a time.

Short term non-primary rental shall mean a dwelling unit that is not a primary residence and that is leased in its entirety to one party at a time for periods of less than 30 consecutive days. The term short term non-primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

Short term primary rental shall mean a dwelling unit that is a primary residence of which a portion is leased to one party at a time for periods of less than 30 consecutive days. A carriage house, as defined in the Land Use Code, that is not a primary residence is deemed to be a short term primary rental and may be licensed as a short term primary rental if it is located on a lot containing a primary residence. A dwelling unit of a two-family dwelling, as defined in the Land Use Code, that is not a primary residence is deemed to be a short term primary rental and may be licensed as a short term primary rental if the connected dwelling unit is a primary residence and both dwelling units are located on the same lot. The term short term primary rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

Sec. 15-630. - License required.

No dwelling unit may be utilized as a short term primary rental or short term non-primary rental within the City unless a license to rent such dwelling unit has been first issued as provided in this Article.

Sec. 15-631. - Application for license.

(a) A license to utilize a particular dwelling unit as a short term primary rental or short term non-primary rental may be granted in the discretion of the Financial Officer if he or she determines that the applicant and the premises proposed to be licensed meet the requirements of this Article.

(b) The Financial Officer may require additional information and documentation as may be necessary to determine whether an application meets the requirements of this Article.

(c) The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado.

(d) At the time of an initial or renewal application for a license, each applicant shall pay a fee set by the City Manager pursuant to his or her authority to establish administrative fees as set forth in Chapter 7.5 of this Code. The application fee may be refunded at the discretion of the Financial Officer if the applicant demonstrates that the dwelling unit proposed to be licensed has certain modifications that make it more accessible and accommodating to people with disabilities. The modifications required for a refund shall be established in administrative regulations adopted pursuant to § 15-639.

Sec. 15-632. - Licensing requirements.

(a) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term primary rental license.

(1) The applicant must provide documentation satisfactory to the Financial Officer that the applicant is the owner of the dwelling unit and that the dwelling unit is his or her primary residence.

(2) The applicant must have valid sales and use and lodging tax licenses issued pursuant to Chapter 25, Article IV, of the Code of the City of Fort Collins for the dwelling unit to be utilized as a short term primary rental.

(3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code § 3.2.2(K)(1)(k) which sets forth applicable parking requirements.

(4) The dwelling unit must pass a safety inspection conducted by Community Development and Neighborhood Services. Such inspection shall examine the exterior and interior of the portions of the dwelling unit proposed to be rented to verify compliance with specific sanitation, mechanical, electrical, structural, and fire safety requirements in Chapter 5 of the Code of the City of Fort Collins and listed in administrative regulations adopted pursuant to § 15-639. The Director may waive the inspection for any dwelling unit that passed a comparable inspection of the areas of the dwelling unit proposed to be rented within the last five years from the date of application for a license. Documentation of such comparable previous inspection satisfactory to the Director must be submitted at the time of application.

(5) The applicant must provide proof of liability insurance sufficient to compensate renters for injuries that may be sustained in the dwelling unit proposed to be rented within the coverage limits established in administrative regulations adopted pursuant to § 15-639.

(6) No applicant shall be issued a license if marijuana is cultivated or processed, or marijuana products are processed or otherwise produced, in the dwelling unit proposed to be rented.

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- (7) The applicant must identify one or more persons who will be available to respond within four hours at all times during which the dwelling unit is rented to any issues raised by the renter or the City. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.
- (8) The dwelling unit must be located in a zone district that allows short term primary rentals as specified in the Land Use Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-634 for short term primary rentals established in restricted zone districts prior to [INSERT EFFECTIVE DATE OF THE LUC ZONING ORDINANCE PROHIBITING SHORT TERM PRIMARY RENTALS IN CERTAIN ZONE DISTRICTS].
- (9) The applicant must specify which portions of the dwelling unit will constitute the licensed premises available for use by renters.
- (b) The following are the minimum requirements that must be satisfied by the applicant for the issuance of a short term non-primary rental license.
- (1) The applicant must provide documentation satisfactory to the Financial Officer that the applicant is the owner of the dwelling unit.
- (2) The applicant must have valid sales and use and lodging tax licenses issued pursuant to Chapter 25, Article IV, of the Code of the City of Fort Collins for the dwelling unit to be utilized as a short term non-primary rental.
- (3) The dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, the Code of the City of Fort Collins and Land Use Code, and in particular, Land Use Code § 3.2.2(K)(1)(k) which sets forth applicable parking requirements.
- (4) The dwelling unit must pass a safety inspection conducted by Community Development and Neighborhood Services. Such inspection shall examine the exterior and interior of the portions of the dwelling unit proposed to be rented to verify compliance with specific sanitation, mechanical, electrical, structural, and fire safety requirements in Chapter 5 of the Code of the City of Fort Collins and listed in administrative regulations adopted pursuant to § 15-639. The Director may waive the inspection for any dwelling unit that passed a comparable inspection of the entire dwelling unit within the last five years from the date of application for a license. Documentation of such comparable previous inspection satisfactory to the Director must be submitted at the time of application.
- (5) The applicant must provide proof of liability insurance sufficient to compensate renters for injuries that may be sustained in the dwelling unit proposed to be rented within the liability coverage limits established in administrative regulations adopted pursuant to § 15-639.

(6) No applicant shall be issued a license if marijuana is cultivated or processed, or marijuana products are processed or otherwise produced, in the dwelling unit proposed to be rented.

(7) The applicant must identify one or more persons who will be available to respond within four hours at all times during which the dwelling unit is rented to any issues raised by the renter, members of the public, and the City. Any such person must have access to the dwelling unit and be authorized to make decisions regarding the dwelling unit.

(8) The dwelling unit must be located in a zone district that allows short term non-primary rentals as specified in the Land Use Code. Alternatively, the dwelling unit must satisfy the requirements contained in § 15-634 for short term non-primary rentals established in restricted zone districts prior to [INSERT EFFECTIVE DATE OF THE LUC ZONING ORDINANCE PROHIBITING SHORT TERM NON-PRIMARY RENTALS IN CERTAIN ZONE DISTRICTS].

Sec. 15-633. - Issuance of licenses.

Upon compliance with the requirements of this Article, the Financial Officer shall issue a license to the applicant authorizing the short term rental of the licensed premises. The license issued shall allow only the short term primary rental or the short term non-primary rental of the licensed premises. Licenses issued for short term primary rentals shall specify the areas of the dwelling unit that may be rented. Each license shall be applicable to a single dwelling unit and no license issued shall be transferable. A license shall terminate upon transfer of ownership of the licensed premises.

Sec. 15-634. - Licensing of short term primary and non-primary rentals existing prior to Land Use Code restrictions.

(a) A dwelling unit used as a short term primary or non-primary rental that is located in a zone district in which the Land Use Code prohibits such use is eligible for a license pursuant to this Article provided that prior to [INSERT EFFECTIVE DATE OF THE LUC ZONING ORDINANCE PROHIBITING SHORT TERM PRIMARY AND NON-PRIMARY RENTALS IN CERTAIN ZONE DISTRICTS], such dwelling unit was actually utilized as a short term primary or non-primary rental pursuant to valid sales and use and lodging tax licenses issued for such dwelling unit in accordance with Chapter 25, Art. IV, of the Code of the City of Fort Collins, during all times the dwelling unit was rented as a short term primary or non-primary rental.

(b) In addition to satisfying (a) above, the applicant must satisfy the requirements set forth in § 15-632 in order to be eligible for a license. License applications submitted pursuant to this Section on or before June 30, 2017, do not need to comply with the parking requirements in Land Use Code § 3.2.2(K)(1).

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(c) In order to be eligible for a license pursuant to this Section, subject to (e) below, the applicant must submit an application for a license pursuant to this Article on or before June 30, 2017. No application submitted after June 30, 2017, shall be eligible for a license pursuant to this Section unless submitted pursuant to (e) below.

(d) Any license issued pursuant to this Section shall expire at such time that the ownership of the licensed premises changes. Should a license issued under this Section be revoked, not be renewed, or lapse for any period of time, the owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

(e) Should ownership of a dwelling unit licensed pursuant to § 15-634 be transferred, and such license was continuously valid until the transfer of ownership, the new owner is eligible for a license identical in scope to the previously issued license provided: (1) the new owner applies for a license within thirty days of the transfer of ownership; (2) the dwelling unit complies with the parking requirements in Land Use Code Section 3.2.2(K)(1)(k); and (3) any license issued pursuant to § 15-634 is continuously maintained. Should a license issued to the new owner under this Section be revoked, not be renewed, or lapse for any period of time, the new owner shall no longer be eligible for a license for such dwelling unit pursuant to this Section.

Sec. 15-635. - Term of license and renewal.

(a) Licenses issued pursuant to this Article shall be valid from the time of issuance through December 31 of the same calendar year. Licenses must be renewed annually and a renewed license shall be valid for an additional period from January 1 through December 31.

(b) Renewal applications shall be reviewed by the Financial Officer in consultation with the Director, are subject to § 15-636, § 15-637, and must meet the standards set forth in § 15-632, except that no inspection of the licensed premises shall be required pursuant to § 15-632 unless the Director has reasonable grounds to believe a safety issue exists.

(c) Any formally established violation of the provisions of this Article may be considered during the license renewal review and may result in non-renewal. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license pursuant to § 15-637.

Sec. 15-636. - License regulations.

Upon issuance of a license pursuant to this Article, the following requirements must be met in order for the license to remain valid. Failure to comply with any of the following regulations may result in revocation, suspension, or non-renewal of the issued license pursuant to § 15-637:

(1) The license number shall be prominently displayed in all listing or advertising of the licensed premises for short term rental.

- (2) A copy of the license shall be prominently displayed in the licensed premises.
- (3) The licensee shall comply with all applicable Code of the City of Fort Collins and Land Use Code provisions including, but not limited to, the Code of the City of Fort Collins Chapter 5, Buildings and Building Regulations, and the Code of the City of Fort Collins Chapter 20, Nuisances, Chapter 25, Taxation, and Land Use Code 3.2.2(K)(1)(k).
- (4) The licensee shall maintain compliance with all sanitation, mechanical, electrical, structural, and fire safety requirements that were the subject of the inspection described in § 15-632. License holders not required to undergo an inspection pursuant to § 15-632 because the licensed premises was inspected prior to issuance of a license shall maintain compliance with the same sanitation, mechanical, electrical, structural, and fire safety requirements.
- (5) The licensee shall ensure that renters of a short term primary rental shall only be allowed access to the portions of the dwelling unit identified in the license.
- (6) The person(s) identified in § 15-632(a)(7) and § 15-632(b)(7) shall be available at all times during which the licensed premises is rented to respond within four hours, in person if necessary, to any issues raised by the renter or the City. The licensee shall provide each renter and the City with a current telephone number of the person(s) available to respond and each such person must have access to the licensed premises and be authorized to make decisions regarding the licensed premises.
- (7) The licensee shall maintain insurance as specified in § 15-632 at all times during which the license is valid.
- (8) The licensee shall prevent the cultivation or processing of marijuana and the processing or production of marijuana products in any dwelling unit utilized as a short term primary or non-primary rental.

Sec. 15-637. - Suspension, revocation, nonrenewal of license.

- (a) The Director may suspend, revoke, or not renew any license issued pursuant to this Article if the Director determines that any of the following have occurred:
 - (1) Fraud, material misrepresentation or false statement in the initial application for the license or any renewal application;
 - (2) Failure to obtain a sales and use tax license and lodging tax license or failure to remit taxes pursuant to Chapter 25, Art. IV, of the Code of the City of Fort Collins;
 - (3) Failure to comply with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law including, but not limited to, the Code of the City of Fort Collins and Land Use Code.

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(4) Failure to comply with conditions imposed on any license pursuant to § 15-635(c) and § 15-637(b).

(b) In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a suspended license to address non-compliance with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law. Upon satisfaction of such conditions, the license shall be reinstated. Failure to comply with such conditions shall result in continued suspension or revocation.

(c) Upon revocation of a license, the dwelling unit described in the license is ineligible to receive another license pursuant to this Article for one year from the date of revocation.

(d) All licensed premises shall be subject to inspection by the Director for the purpose of investigating and determining compliance with the requirements for any license issued under this Article. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request.

Sec. 15-638. - Violations and penalties.

In addition to the suspension, revocation or refusal to renew any license issued hereunder, any licensee who violates any provision of this Article may be punished by a fine or imprisonment or both, in accordance with the Code of the City of Fort Collins § 1-15. Additionally, the City may take any other legal action available to address violations of the provisions of this Article.

Sec. 15-639. - Administration.

The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.

Sec. 15-640. - Appeal.

An applicant or licensee may appeal any decision whether to grant, renew, suspend, or revoke his or her application or license to the City Manager in accordance with Chapter 2, Article VI of the Code of the City of Fort Collins. The City Manager's decision shall be final.

Sec. 15-641. - Severability.

If any section, sentence, clause, phrase, word or other provision of this Article is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Article or the validity of this Article as an entirety, it being the legislative intent that this Article shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Sec. 15-643 – 15-660 - Reserved

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Introduced, considered favorably on first reading, and ordered published this ____ day of _____, A.D. 2017, and to be presented for final passage on the ____ day of _____, A.D. 2017.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this ____ day of _____, A.D. 2017.

Mayor

ATTEST:

City Clerk

SUBJECT: DISCUSSION – DRAFT NON-PROFIT POLICY

DATE: MAY 11, 2017

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

Councilmember Leh will present an updated draft of the non-profit policy and give an update on his meetings with the various non-profit groups.

FISCAL IMPACT:

None

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Updated Draft Policy (5-5-17 Version)

BACKGROUND

Introduction

The City of Louisville has a long and positive relationship with non-profit organizations of many kinds. Such organizations provide residents with many benefits. Those benefits include funds raised for City amenities and capital projects, grants given to citizens in need of financial support, critical input on important decisions, and assistance provided to City staff members to conduct activities and events that serve the common good. The City would not be what it is today without the strong support of volunteers who have worked tirelessly for Louisville residents. Historically, some of these non-profit organizations have worked closely with boards and commissions that the Louisville City Council have established or with the City more generally, including the following (with the name of the City board or commission, if any, with which it is related in parentheses following it):

- Louisville Arts and Humanities Council (Louisville Cultural Council);
- Seniors of Louisville (none);
- Louisville Public Library Foundation (Louisville Library Board of Trustees);
- The Louisville History Foundation, Inc. (Louisville Historical Commission);
- Friends of the Louisville Arboretum (Louisville Parks & Public Landscaping Advisory Board).

For reference, these five non-profit corporations will be referred to as the Louisville non-profit organizations, with the qualification that each of the five operates differently and currently has its own unique relationship with the City.

Purpose

Over time, questions have arisen about the relationships between and among Louisville non-profit organizations, the City’s boards and commissions, the City, and City employees. The purpose of this Policy Concerning Louisville Non-profit Associations (Policy) is to address these concerns. Specifically, the Policy seeks to address the following issues:

- The independence of the non-profit organizations from the City’s control.
- The potential legal liability of the City and the non-profit organizations for their respective actions.
- Staff assistance and other resources provided by the City.
- Compliance by the City and its boards and commissions with applicable laws, including but not limited to City ordinances and state laws concerning public meetings and public records.
- The City’s consistent treatment of non-profit organizations of all kinds.

The Legal Review Committee (LRC) seeks to recommend to the City Council a Policy for it to issue to provide clear guidance concerning the roles and responsibilities of, and relationships between, non-profit organizations, Louisville non-profit organizations and the City, including its boards and commissions. The LRC does not intend that the Policy control or direct any non-profit organization to take action or refrain from taking any action. The LRC further intends not to adversely affect the productive relationships between non-profit organizations and the City.

Process

The City has maintained transparency in the process by which the Policy was reviewed and revised. The Policy originated with the LRC. It has not been adopted by the City Council, nor has it been finalized yet.

The LRC has sought review and input by City staff, members of the City Council, members of the City's boards and commissions, those involved with non-profit organizations, and other residents of our community. The LRC is convening to revise the draft before recommending a version to be considered for adoption by the City Council after a public hearing.

POLICY

This Policy applies only where an NPO or Louisville NPO seeks to receive City Assistance. As a condition of receiving City Assistance, as those terms are defined below.

Definitions

"City" means the City of Louisville, including the Louisville City Council and its members, and any Louisville Board/Commission and its members (as defined below).

"City Assistance" includes grants and monies provided by the City and services provided to an NPO, Louisville NPO, or Related Louisville NPO by City Staff (as defined below). City Assistance excludes the use of City-owned facilities that can be reserved and used by all non-profit organizations. It also excludes those monies, grants, and services provided generally to residents or the public.

"City Staff" means employees of the City of Louisville.

"City Board/Commission" means any board, committee, or task force organized under the City Charter or ordinances or established or appointed by the City Council. City Boards/Commission includes, but is not limited to, the Louisville Cultural Council, the Louisville Library Board of Trustees, the Louisville Historical Commission, and the Louisville Parks & Public Landscaping Advisory Board.

"City Board/Commission Member" means a resident who has been appointed to a City Board/Commission.

"NPO" means any non-profit corporation organized under the laws of the State of Colorado, except a Louisville NPO (as defined below).

"NPO Board Member" means a member of the board of directors of an NPO.

"Louisville NPO" means any of the following non-profit corporations organized under the laws of the State of Colorado:

- The Louisville Arts and Humanities Council,
- The Seniors of Louisville,
- The Louisville Public Library Foundation,
- The Louisville History Foundation, Inc., or
- The Friends of the Louisville Arboretum.

For the purposes of this Policy, an organization can be an NPO or a Louisville NPO, but not both.

"Louisville NPO Board Member" means a member of the board of directors of a Louisville NPO.

"Related Louisville NPO" means a Louisville NPO that is associated with a specific Louisville Board/Commission. Currently:

- As to the Louisville Cultural Council, the Louisville Arts and Humanities Council is a Related Louisville NPO;

- As to the Louisville Library Board of Trustees, the Louisville Public Library Foundation is a Related Louisville NPO;
- As to the Louisville Historical Commission, the Louisville History Foundation, Inc., is a Related Louisville NPO; and
- as to the Louisville Parks & Public Landscaping Advisory Board, the Friends of the Louisville Arboretum is a Related Louisville NPO.

In other words, Related Louisville NPOs are also Louisville NPOs, but a Louisville NPO is a Related Louisville NPO only under the circumstances described above.

“Related Louisville NPO Board Member” means a member of a board of directors of a Related Louisville NPO.

Requirements for City Board/Commission Members and City Staff

1. City Staff may not serve as Louisville NPO Board Members, whether *ex officio* or otherwise.
2. City Board/Commission Members may be involved in *activities* organized or sponsored by other City Boards/Commissions to which they have not been appointed and in *activities* organized or sponsored by any NPO, Louisville NPO, or Related Louisville NPO.
4. A City Board/Commission Members may serve as NPO Board Members and as Louisville NPO Board Members.
5. City Board/Commission Members may serve as Related Louisville NPO Board Members so long as they do not constitute or become a majority of the board of a Related Louisville NPO. If City Board/Commission Members comprise a majority on the board of the Related Louisville NPO, the City Council will request that one or more of those City Board/Commission Members who comprise the majority on the board of the Related Louisville NPO voluntarily resign from the City Board/Commission on which they serve so that they no longer comprise a majority on that board. If none of them voluntarily resigns, the City Council will terminate the appointments of the overlapping City Board/Commission Members to ensure that the remaining City Board/Commission Members no longer comprise a majority on the board of the Related Louisville NPO.
4. Appointment by the City Council of any resident to any City Board/Commission shall not constitute appointment of that resident to become a Louisville NPO Board Member or Related NPO Board Member, nor shall the City require a resident to serve on an NPO Board or Related City NPO as a condition of appointment to any City Board/Commission.

Conditions for Receipt of City Assistance to NPOs and Louisville NPOs

This Policy applies only where an NPO or Louisville NPO seeks to receive City Assistance. As a condition of receiving City Assistance:

1. The NPO or Louisville NPO shall carry, at its own cost, liability insurance covering the actions of its board, directors, employees, agents, and program participants in the amount of not less than \$1,000,000 per claim/occurrence. Such a policy must list the “City of Louisville” as an additional insured. The NPO or Louisville NPO shall provide to the City a Certificate of Insurance at least annually

and as specifically requested by the City for any year in which City Assistance is received or a City facility is used.

2. The NPO or Louisville NPO must have adopted a written nondiscrimination policy that is acceptable to the City.

3. All City Assistance provided by the City to the NPO will be limited to the type, amount, extent, and purpose that are approved by the City Manager or his or her designee.

4. City funds shall not be used by the NPO or Louisville for partisan political advocacy or sectarian purposes.

5. Subject to any applicable legal requirements and budgetary constraints, an NPO or Louisville NPO may seek to enter into a Memorandum of Understanding with the City concerning the nature and extent or amount of City Assistance to be provided to the organization and the circumstances under which the City will provide (if any).

Miscellaneous

1. An NPO, Louisville NPO, or Related Louisville NPO shall not act or purport to act for or on behalf of, or represent itself verbally or in writing as, the City. Likewise, the City shall not act or purport to act for or on behalf of, or represent itself verbally or in writing as, an NPO, Louisville NPO, or Related Louisville NPO.

2. Although City Boards/Commissions must abide by open records and open meetings laws, NPOs and Louisville NPOs need not do so. If there are more than two City Board/Commission Members serving Related Louisville NPO Board Members, the Related Louisville NPO must abide by open records and open meetings laws.

3. Meetings of a City Boards/Commission shall be held at times that are distinct from that of a Related Louisville NPO. If the meetings of both are held on the same day, there shall be a distinct and documented break between those meetings.

4. City Staff authorized to do so by the City Manager or his or her designee may attend meetings of NPOs, Louisville NPOs, and Related Louisville NPOs, but only subject to permission from the NPO, Louisville NPO, or Related Louisville NPO.

5. This Policy does not limit or change any requirements for the City, City Staff, Members of the City Council, or City Board/Commission Members under the City Code of Ethics.

6. This Policy shall become effective on _____, 2017.

LEGAL REVIEW COMMITTEE COMMUNICATION

**SUBJECT: DISCUSSION – DRAFT NOISE ORDINANCE ADDRESSING
AMPLIFIED SOUND AND LIVE MUSIC**

DATE: MAY 11, 2017

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

The City Attorney's Office and staff prepared the attached draft noise ordinance based on direction staff received from City Council at the November 29, 2016 Council meeting. At that time, Council discussed noise complaints related to special events and music in commercial areas. This ordinance specifically addresses amplified sound and live music.

Ordinance Summary:

To provide an objective standard against which to measure noise complaints, this proposed ordinance creates restrictions on amplified sound and live music based on decibel (dBA) levels, time of day, and zoning.

Limits on amplified sound and live music.

Except as provided in sections 9.34.040 and 9.34.050, no person shall cause or allow to be made or played any amplified sound or live music that exceeds any of the following decibel limits or time restrictions for its appropriate zone or property:

Zoning District or Property	Time Restrictions	Maximum Allowable Decibels Permitted
Residential	7 AM – 9 PM 9 PM – 7 AM	60 dBA 55 dBA
Commercial	7 AM – 10 PM 10 PM – 7 AM	70 dBA 65 dBA
Industrial	7 AM – 10 PM 10 PM – 7 AM	80 dBA 75 dBA
Community Park	7 AM – 9 PM 9 PM – 7 AM 4 PM Sunday – 7 AM Monday	60 dBA 55 dBA 55 dBA & no amplified sound permitted

These decibel levels were initially based on ordinances from other municipalities and then raised slightly based on Council's discussion in November.

Measurements

Amplified sound and live music shall be measured at the property boundary of the property receiving the sound.

Measurements will be taken by police staff with an approved decibel meter.

Measurement time will be ten minutes with the highest dBA reading deemed the official measurement.

Requests for relief

Applicants for special event permits, block party permits, and park rental permits may ask for waivers to the sound levels.

- In no case can sound from one of these events be higher than 80 dBA.
- The permit may include conditions or restrictions on sound (hours, sound levels, direction, etc.) to minimize impacts on neighbors.
- A permit may be revoked during the course of an event for noncompliance.

Is 80 dBA high enough for special events including Street Faire and the Labor Day Parade?

Are there other reasons we would want to grant relief?

The City's current noise regulations are as follows and would remain as is except for the sections struck through below:

Sec. 9.34.010. - Disturbance of the peace.

A. It is unlawful for any person to disturb or tend to disturb the peace and quiet of others by violent, tumultuous, offensive or obstreperous conduct or loud or unusual noises.

B. The following acts are declared to be loud, disturbing or unnecessary noises in violation of this section, but shall not be deemed to be exclusive or limiting:

- ~~1. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons in the~~

~~structure or vehicle in which the device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 12:00 midnight and 6:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the structure or vehicle in which it is located is prima facie evidence of a violation of this section.~~

2. Yelling, shouting, hooting, or whistling ~~or singing~~, particularly between the hours of 12:00 midnight to 6:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.

Sec. 9.34.040. - Operation of construction equipment.

A. Each building permit issued on or after March 21, 1994, shall contain a provision prohibiting the permittee from operating or allowing the operation, outside of an enclosed structure, of any construction equipment for the permitted work between the hour of 8:00 p.m. and, on weekdays, the hour of 7:00 a.m. or, on legal holidays and weekends, the hour of 8:00 a.m., except as provided in subsection B of this section.

B. The planning director may, upon written application, alter the hours of operation as described in subsection A of this section or eliminate the prohibition for good cause . . .

~~Sec. 9.40.020. — Live Music Permit required.~~ – Section deleted in its entirety.

Other methods to control live music/amplified sound:

If the concern is only noise from special events and commercial restaurant music, there are other ways it can be addressed. Staff can place limits on music and sound for special events by the conditions placed on the permit and permitting staff and the police department can determine the best way to enforce noise levels at events.

Regarding music from restaurants and outdoor seating areas, going forward the Planning Department can regulate music and sound through the Special Review Use process or, in some cases through existing revocable license agreements. However, except for revocable licenses, this approach would only be applicable for new applications.

Considerations

In previous meetings, one thing Council Members liked about the decibel level approach is that it would be less subjective. It should be noted, however, that even defined decibel readings are still subject to variation depending on wind, weather, location, and other factors.

An item to note is that these levels are already being surpassed by businesses in the downtown area. Police staff took readings on the evening of May 2 at three locations in downtown. It was a cool night and windows were not open in the restaurants. The readings were all above the 65 dBA nighttime limit proposed in the ordinance. In addition, the reading taken at the residential property line behind Waterloo was 67.2 which is well above both the daytime and nighttime limits for residential areas. As the weather warms up, windows are opened, and patio use increases these numbers will only likely get higher. Ways to address this could include:

- Raise the maximum decibel limits.
- Create a transition zone from downtown into the neighboring areas. For example, one or two blocks from the commercial area have an allowable decibel level that is lower than the commercial areas but higher than other residential areas in town.
- Allow for an exemption for downtown restaurants or events.

Staff suggests part of this discussion include asking the question “What problem are we trying to solve.”

This discussion initially came out of a series of complaints related to the special events, particularly at Community Park (outdoor movies and music going later into the evening). Staff believes that issue has been addressed through the special event and park rental permitting processes. Noise complaints related to Community Park are down significantly.

In the past three years, the Police Department estimates they have received approximately a dozen noise complaints. In addition, the City Council has received a handful of complaints related to sound from specific restaurants or events. Is this ordinance needed to address a relatively low number of complaints each year? Even without decibel readings, the Police Department has the ability to talk with parties, ask them to lower music levels, and issue warnings and tickets as appropriate.

Pros of this ordinance

- This is more stringent and less subjective than the existing disturbing the peace rules.
- This ordinance gives a clear decibel number for residents and business owners to know what is allowed and what is not.

Cons of this ordinance

- This ordinance can still be considered subjective both for where base decibel levels are set and when/how a reading is taken.

- Some may feel this ordinance is designed to force businesses to change their existing practices even though they have been playing music at these levels for years with relatively few complaints.
- Some residents may feel the decibel levels are too high. Some people are simply more sensitive to sound than others.

FISCAL IMPACT:

Some initial costs for the purchase of decibel meters.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. Draft Ordinance
2. Decibel Level Comparison Chart

ORDINANCE NO. _____
SERIES 2017

AN ORDINANCE AMENDING CHAPTER 9.34 OF THE LOUISVILLE MUNICIPAL CODE TO ADDRESS AMPLIFIED SOUND AND LIVE MUSIC, REPEALING CHAPTER 9.40 AND MAKING CORRESPONDING AMENDMENTS TO THE LOUISVILLE MUNICIPAL CODE

WHEREAS, the City is authorized pursuant to its home rule charter and state law, including but not limited to C.R.S. §§ 25-12-101 et seq. and 31-15-401 et seq., to regulate noise; and

WHEREAS, the City Council finds that it is necessary and appropriate to amend the Louisville Municipal Code to adopt provisions regulating amplified sound and live music; and

WHEREAS, the City Council finds that the amendments to the Louisville Municipal Code set forth herein are in the best interests of the health, safety and welfare of the City and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The title of Chapter 9.34 of the Louisville Municipal Code is hereby amended to read “Amplified Sound, Live Music and Disturbances.”

Section 2. Sections 9.34.010, 9.34.020, 9.34.030 and 9.34.040 of the Louisville Municipal Code are hereby renumbered as, respectively, Sections 9.34.070, 9.34.080, 9.34.090 and 9.34.100.

Section 3. Chapter 9.34 of the Louisville Municipal Code is hereby amended by the addition of new Sections 9.34.010 through 9.34.060, to read as follows:

Sec. 9.34.010. Legislative intent.

The purpose of this chapter is to protect the public health, safety, and welfare by defining those noises and sounds which by their volume or other physical characteristics, and, depending on their time, place, and manner, disturb people of normal sensitivity, and to regulate such noises and sounds to the extent that can be done without detrimentally affecting necessary residential, commercial, and governmental activities. It is not the intention of the council to differentiate on the basis of the content, if there be any, of the prohibited sounds. However, in certain instances the council finds that there is a compelling governmental interest in making an exception for the loudness of certain sounds, such as warnings by a governmental entity.

Sec. 9.34.020. Definitions.

As used in this chapter, the following words are defined to mean:

A. *Amplified sound* means sound emanating from any loudspeaker, public address system, radio, record player, tape player, disc player, MP3 player, iPod, phone, television set or other sound that has been made louder through the use of an electronic amplifier.

B. *Commercial* means any area zoned administrative office (A-O); administrative office transition (AO-T); administrative or professional office (O); business office (B-O); commercial business (C-B); commercial community (CC); commercial neighborhood (C-N); or planned commercial (P-C).

C. *Community Park* means that City-owned park located at 955 Bella Vista Drive, Louisville, CO.

D. *Industrial* means any area zoned industrial (I) or planned industrial (P-I).

E. *Live music* means the sound from instruments, vocal and instrument microphones, turntables, and digital or analog devices used as part of a performance requiring human operation from song to song.

F. *Residential* means any area zoned planned community commercial residential (P-C/R); planned community residential (P-R); residential estate (R-E); residential high density (R-H); residential low density (R-L); residential medium density (R-M); residential mixed use (R-MU); residential restricted rural (R-RR); residential rural (R-R); single-family estate (SF-E); single-family high density (SF-HD); single-family low density (SF-LD); single-family medium density (SF-MD); single-family rural (SF-R).

Sec. 9.34.030. Limits on amplified sound and live music.

A. Except as provided in sections 9.34.040 and 9.34.050, no person shall cause or allow to be made or played any amplified sound or live music that exceeds any of the following decibel limits or time restrictions for its appropriate zone or property:

Zone District or Property on Which the Sound is Received	Time Restrictions	Maximum Number of Decibels Permitted
Residential	7 AM – 9 PM 9 PM – 7 AM	60 dBA 55 dBA
Commercial	7 AM – 10 PM 10 PM – 7 AM	70 dBA 65 dBA
Industrial	7 AM – 10 PM 10 PM – 7 AM	80 dBA 75 dBA
Community Park	7 AM – 9 PM 9 PM – 7 AM 4 PM Sunday – 7 AM Monday	60 dBA 55 dBA 55dBA and no amplified sound permitted

B. Amplified sound and live music shall be measured as follows:

1. Amplified sound and live music located on private property or public property other than public right-of-way shall be measured at the property boundary of any property receiving the amplified sound or live music.
2. Amplified sound and live music located within the public right-of-way shall be measured at least twenty-five feet from the source of the amplified sound or live music.
3. All sound measurements shall be made on a sound level meter that meets ANSI specification S1.4-1974 (or the most recent revisions thereof) for Type I or Type II equipment. The manufacturer's published indication of compliance with such specifications is prima facie evidence of compliance with this subsection.
4. The measurement time period shall not be less than ten (10) minutes in length, and the highest dBA reading measured for a majority of this time shall be deemed the official measurement.

C. This section shall not be construed to conflict with the right of any person to maintain an action in equity to abate a noise nuisance under the laws of the state.

Sec. 9.34.040. Exceptions to limits on amplified sound and live music.

Section 9.34.030 does not apply to:

- A. An employee of a governmental entity engaged in the employee's official duty.
- B. Sound made by an emergency warning device operated by a governmental entity.
- C. Sound made on property belonging to or leased or managed by a federal, state, or county governmental body other than the city and made by an activity of the governmental body or by others pursuant to a contract, lease, or permit granted by such governmental body.

Sec. 9.34.050. Requests for relief.

- A. An application for special event permit, block party permit or park rental permit requesting relief from the decibel limits and time restrictions set forth in Section 9.34.030.A may be made to the City employee responsible for issuing such permits for amplified sound or live music which, if prohibited, would cause undue hardship to the person or party responsible for the noise.
- B. In granting relief, consideration shall be made of the nature of the event and economic feasibility of bringing the amplified sound or live music into conformance with this chapter.
- C. In no case, shall any permit granted hereunder allow amplified sound or live music exceeding a level of 80 dBA when measured from the nearest residential property line.
- D. Any permit may include conditions or restrictions on amplified sound or live music to minimize adverse effects on the community or surrounding neighborhood.
- E. A permit may be revoked by the City Manager, Deputy City Manager, Chief of Police, City Clerk, Director of Parks and Recreation or their designees during the course of the event for noncompliance with any term or condition of the permit concerning amplified sound or live music.
- F. Any person or permittee causing or allowing a violation of said terms or conditions shall be subject to enforcement pursuant to Section 9.34.060 of this Code.

Sec. 9.34.060. Enforcement.

A. *Violations:* It is unlawful for any person to violate any provision of this chapter. Each violation, and each day of a continuing violation, shall constitute a separate violation, the maximum penalty for which shall be the imposition of a fine in the amount set forth in section 1.28.010.

B. *Court-Ordered Abatement:* Violations of any provisions of sections 9.34.010 through 9.34.050 of this chapter are deemed and declared to be a nuisance and as such may be subject to summary abatement by means of a restraining order or injunction issued by the municipal court or other court of competent jurisdiction. The municipal court is authorized to issue injunctive relief in cases of such violations.

Section 4. Section 9.34.070 (formerly Section 9.34.010) of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

Sec. 9.34.0170. - Disturbance of the peace.

A. It is unlawful for any person to disturb or tend to disturb the peace and quiet of others by violent, tumultuous, offensive or obstreperous conduct or loud or unusual noises.

B. The following acts are declared to be loud, disturbing or unnecessary noises in violation of this section, but shall not be deemed to be exclusive or limiting:

~~1. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for any persons in the structure or vehicle in which the device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 12:00 midnight and 6:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the structure or vehicle in which it is located is prima facie evidence of a violation of this section.~~

~~2.1. Yelling, shouting, hooting, or whistling or singing,~~ particularly between the hours of 12:00 midnight to 6:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.

Section 5. Chapter 9.40 of the Louisville Municipal Code entitled “Live Musical Performance in Residential Areas” is hereby repealed in its entirety.

Section 6. Section 14.12.010.D of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined):

Sec. 14.12.010. - Compliance required.

In the use of any park, building or recreation facility, all persons shall comply with all the regulations of this title, and it shall be unlawful for any person to:

D. Utilize any machine or device for the purpose of amplification of human voice, music or any other sound in parks or community buildings without the prior written consent of the director, except city employees, firefighters or law enforcement officers in the performance of their duty. Notwithstanding the foregoing, amplified sound shall be allowed in Community Park as provided in chapter 9.34;

Section 7. If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 9. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this _____ day of _____, 2017.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Light Kelly, P.C.,
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this _____
day of _____, 2017.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

Decibel Scale (dBA)*

